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5 Attorneys for Defendant
6 eBay Inc.

7 [Additional Counsel Listed on Signature Page]

8 **UNITED STATES DISTRICT COURT**
9 **NORTHERN DISTRICT OF CALIFORNIA**
10 **SAN JOSE DIVISION**

11
12 CHARLOTTE SMITH, et al.,
13 Plaintiffs,
14 v.
15 EBAY CORP., et al.,
16 Defendant.

Case No. C-10-03825-JF(HRL)

STIPULATION AND ~~PROPOSED~~
ORDER UNDER CIVIL L.R. 16-2 FOR
RELIEF FROM CASE MANAGEMENT
SCHEDULE

1 **WHEREAS**, plaintiffs Charlotte Smith, Paul Jackson, Art Beltrone, Lee Beltrone, James
2 Mountain, and Jean Mountain (“Plaintiffs”) filed their Class Action Complaint in the above-
3 captioned case in the United States District Court, Eastern District of Michigan, on April 12,
4 2010;

5 **WHEREAS**, the above-captioned case was transferred out of the Eastern District of
6 Michigan on August 24, 2010 and entered on the United States District Court, Northern District
7 of California docket as Case No. C-10-03825(HRL) on August 27, 2010;

8 **WHEREAS**, the parties to the above-captioned case agreed by stipulation on September
9 21, 2010, to stay all litigation proceedings and defer all rulings until the United States Court of
10 Appeals for the Ninth Circuit remands or returns the mandate in the related case, *In re eBay Seller*
11 *Antitrust Litigation*, Case No. C-07-01182-JF(HRL);

12 **WHEREAS**, Magistrate Judge Lloyd entered an order staying the case pursuant to the
13 above-referenced stipulation on September 24, 2010;

14 **WHEREAS**, this Court entered its Order relating the above-captioned case to the *In re*
15 *eBay Seller Antitrust Litigation* case, thereby re-designating the case number as C-10-03825-
16 JF(HRL) on October 4, 2010;

17 **WHEREAS**, Plaintiffs and Defendant agree that it is desirable to conduct an orderly and
18 efficient schedule for case management of this action;

19 **WHEREAS**, Plaintiffs and Defendant believe that a continuance of the Case Management
20 Conference, currently scheduled for March 18, 2011, and all deadlines related to or triggered by
21 said conference, would advance the orderly administration of this action;

22 **WHEREAS**, pursuant to Civil Local Rule 16-2(d), Defendant eBay Inc. has conferred
23 with counsel for Plaintiffs in an effort to reach agreement on the appropriate relief from the case
24 management schedule and all parties support the request for relief and have indicated their
25 support through execution of this stipulation.

26
27 **NOW, THEREFORE, IT IS HEREBY JOINTLY STIPULATED, AGREED, AND**
28 **ORDERED AS FOLLOWS:** that, pursuant to Civil Local Rule 16-2(d) and (e), the Court shall

1 temporarily stay the date of the Case Management Conference, and all deadlines related to or
2 triggered by said conference, until a reasonable time after the United States Court of Appeals for
3 the Ninth Circuit remands or returns the mandate in the *In re eBay Seller Antitrust Litigation* case.
4 The parties shall inform the Court within a reasonable amount of time of such activity.

5 **IT IS SO STIPULATED AND AGREED.**

6 Dated: December 3, 2010

7 THOMAS P. BROWN
8 KATHERINE M. ROBISON
9 O'MELVENY & MYERS LLP

10 By: /s/ Thomas P. Brown

11 Thomas P. Brown
12 Attorneys for Defendant
eBay Inc.

13 Dated: December 3, 2010

14 PETER W. MACUGA, II
15 KEVIN J. MCGINESS
16 MACUGA, LIDDLE, & DUBIN, P.C.

17 By: /s/ Peter W. Macuga, II

18 Peter W. Macuga, II
19 Attorneys for Plaintiffs
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ORDER

IT IS SO ORDERED.

Dated: January 3, 2010


HON. JEREMY D. FOGEL
UNITED STATES DISTRICT COURT JUDGE

I, Thomas P. Brown, am the ECF User whose ID and password are being used to file this Stipulation and [Proposed] Order. In compliance with General Order 45, X.B., I hereby attest that Peter W. Macuga, II has concurred in this filing.